IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9081 OF 2005

Mahendra Danabhai Patel & Anr. .. Petitioners.
Vs.
Hirji Nathu Kukadia
(since deceased) through his
legal heirs & Ors. .. Respondents.

Mr.N.V.Walavalkar, senior advocate a/w Mr.S.A.Sawant for the petitioners.
Mr.J.S.Chandnani for respondent nos.1c, 1d and 3 to 5.
Mr.P.B.Shah a/w Ms.Smita Mane for respondent no.2.
Mr.Mohan Pungalia for respondent no.19.

CORAM : D.B.BHOSALE, J.

DATED : 13TH SEPTEMBER, 2006

P.C.:

. Heard Mr.Walavalkar, learned senior counsel for the petitioners, Mr.Chandnani, learned counsel for respondent nos.1c, 1d, and 3 to 5, Mr.Shah, learned counsel for respondent no.2 and Mr.Pungalia, learned counsel for respondent no.19.

2. The learned counsel for the parties have fairly stated that I need record reasons for disposal of the writ petition and they have agreed for the following order:

(a) The Executing Court shall proceed with hearing of the Darkhast and the applications filed by the

decree holder at Exhibit-67 and Exhibit-72 together and dispose them of as expeditiously as possible and preferrably within six months from the date of receipt of this order on merits in accordance with law and without being influenced by the observations made in the order dated 19.11.2005 passed on miscellaneous civil appeal no.23/2004, impugned in the present writ petition, and in particular paragraph 11 and 15 thereof.

(b) It is needless to express that the receiver shall not take physical possession of the suit premises and the petitioners are allowed to remain in possession subject to outcome of the Darkhast proceedings and Exhibit-67 and Exhibit-72.

(c) The parties are directed to co-operate to the Executing Court for disposal of the matter within time frame.

. The writ petition is disposed of.

(D.B.Bhosale, J.)